STATEMENT OF OBJECTION
OBJECTION TO TUNBRIDGE WELLS BOROUGH DRAFT LOCAL PLAN
(REGULATION 18)
Consultation 20 September to 15th November 2019 RESPONSE FORM
Objection to Policy STR/CA1, AL/CA2, AL/CA3, AL/ PW1

The reason for this objection is summarised below:

1) Duty to Cooperate
2) Lack of detail and Clarity within the Infrastructure Plan
3) Transport
4) Housing Policy
5) Economic
6) Risk Management & Development Strategy Masterplanning
7) Heritage
8) Climate Change - Have not considered Climate Change Polices
9) Green Belt
10) Landscape & Amenity
11) Water & Aquifers
12) Air Pollution & Air Quality
13) Dark Skies
14) Biodiversity
15) Ancient Woodland
16) River Medway
17) Quarries
18) Flooding
19) Loss of Agricultural Land
20) Noise
21) Railways
22) School
**Duty to Cooperate:**

OJEU- Is a legislative process that all local authorities must go through regarding public procurement; due to the most unusual partnership the council has adopted with the landowner to jointly promote the masterplan.

Lack of engagement between KCC and TWBC- No signed Statement of Common Ground Letter (SoCG) to KCC regarding KCC Minerals & Waste Draft Plan and no commentary regarding KCC Policies DM7 and DM8.

Part of CA 1 development was until recently included within the KCC Minerals and Waste Draft Plan.

TWBC have previously made robust objections and commentary to KCC regarding previous and current quarry proposals within the Kent Minerals and Waste Draft Plan including - Development of the site should only take place where there is no unacceptable adverse impacts on health and amenity and appropriate mitigation which is reasonably practical should be implemented to protect residents. Further technical assessments should be robust, thorough and have particular regard to the following both in terms of impact of individual sites and in terms of cumulative impact.

Transport links, including highway safety, operation of the highway network and access.
Residential amenity, including in terms of impact via noise, dust, vehicle movements, air quality, vibration etc;
Flooding, both in terms of surface water and groundwater;
Pollution, including in terms of the aquifer protection zone;
Impact on Green Belt;
Landscape impacts, including setting of the AONB;
Heritage: there are areas of potential archeological importance within the vicinity of allocations, as well as a number of listed Buildings (some of which form part of historic farmsteads); the settings to which are important;
Impact on high pressure gas pipeline;
Trees, including areas of ancient woodland;
Ecology, including local wildlife sites;

Considering CA 1 is closely situated to M:13 Stonecastle Farm Quarry and M:10 Moat Farm it is very confusing that TWBC does not consider all the above commentary it has made relevant for its CA 1 development proposals.

Planning Application reference : 18/01767/FULL - Erection of building 6 B&B rooms associated with the Poacher, Hartlake Road Tudeley Tonbridge TN110PH
31st July 2018- The Council REFUSES Planning Permission for the above for the following reasons:

(1) The proposal would constitute inappropriate development within the Metropolitan Green Belt, which by definition is harmful to its openness. There is insufficient evidence of the necessary 'very special circumstances' to overcome this harm.

(2) It would not conserve and enhance the rural landscape character of the locality, nor would it protect the countryside for its own sake, nor preserve the interrelationship between the natural and built features of the landscape. The overall impact is harmful to the rural character of the area.
(3) It has not been demonstrated that the occupiers of the development would not be at risk from flooding or that the development would not increase flood risk elsewhere. Therefore the development is likely to result in a risk to human life from flooding.

Again this refusal of planning permission is closely situated to CA 1, but all the reasons for TWBC to reject this application now appear to be void and irrelevant for 2,800 new houses.

**Lack of Detail/Clarity within the Infrastructure Plan**

The Plan preparation process did not initially include CA1 & CA2 (Tudeley Sites) until the Issues and Options Process Stage, therefore many of the processes and procedures that were undertaken with other sites have not been completed due to timing constraints, for example NO detailed Green Belt study has been undertaken, which given this is the largest identified site within Green Belt it should have been paramount and a requirement that such important analysis should have been concluded before any submission to the plan.

No Biodiversity Assessment, again fundamentally given that this whole area is heavily populated with many species of wildlife and plant life that such ecological studies and analysis should have been undertaken prior to any submission to the plan.

NO Flood Risk Assessment CA1 as large parts of the development are proposed to occur on The Medway Floodplain, with 2,800 homes this will have many effects on the Floodplain and could have serious flooding implications to the area, without consultation with the Environment Agency and Southern Water. The partial removal of the floodplain without expert consultation analysing the area and the effects this could have, does not demonstrate good compliance and governance, the Medway Floodplain is historically well know flood vulnerable area. Climate Change within CA1 is a major consideration and has not even been considered within the preliminary inclusion of this site. Very vague and lack of detail flood mitigation proposals within the plan are just not good enough, further Upriver storage at the Leigh Flood Barrier will not provide any flood mitigation to CA1.

NPPF paragraph 173 also states that that in order to ensure both viability and the deliverability of development, careful attention to viability and costs in plan-making and decision-taking is required.

**Policy EN:1**

1) Ensure there is adequate drainage provision. This will ensure that surface water is appropriately controlled within the development site, flood risk is managed on-site and off site, and any existing flood risk, in the locality is not exacerbated: and

2) Avoid inappropriate new development within such areas at risk from flooding, or mitigate any potential impacts of new development within such areas whereby mitigation areas measures are integral to the design of buildings.

How has surface water runoff been considered in the scheme?
Have areas at risk of flooding been avoided before mitigation measures have been considered?

**Policy EN: 28**

Proposals for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be unacceptable risk of flooding on the site itself, and there would be no increase to flood elsewhere.

There is no evidence within the plan that demonstrates that the above policies have been addressed therefore the plan is not sound.
The infrastructure Delivery Plan demonstrates a wish list of objectives and fails to determine how such essential infrastructure will be implemented. This plan makes numerous references to further details available within the Masterplan which has yet to be shared with Members of the Public. From the information available the essential infrastructure requirement prior to any development at CA1 has NOT secured future funding and is heavily reliant on Public Funding.

Potential Funding Sources;

2.27 New Development is generally expected to meet the needs for infrastructure that are generated from the development itself. This can be in the form of connections to utility services or the building of new roads, junctions, schools, and open space areas. Provision can be delivered directly by the developer or by way of financial contributions to a service provider/third party.

2.28 The Council will use a combination of Section 106 and Section 278 agreements, alongside Community Infrastructure Levy if the Council decides to pursue this option. Whatever the process is, developers will continue to be expected to meet the needs of the development.

It is understood the Council has entered into a Joint Masterplan Agreement with the landowner of CA1 and CA2, this highly unusual strategy for a LA to partner with the landowner, who has no development experience or track record, it is most concerning that the Council will be reliant on deliverability of one of the most ambitious development projects within the history of the borough, with many questions remaining unanswered regarding funding, delivery and execution. This strategy does not demonstrate prudent Risk Management has been adopted by the Council, before any development can proceed substantial infrastructure costs will have to be incurred. These infrastructure costs are reliant on Public Funding as well as third party funding, considering the A228 bypass has been an outstanding project by Highways England for over 30 years, and we understand Southern Water have recently withdrawn its proposals to construct a much needed sewer system upgrade in Paddock Wood due to lack of funding demonstrates that funding such ambitious infrastructure projects within the current economic climate are just not deliverable.

4.56 The Council recognises that in certain instances the provision of infrastructure, including that related to flood storage (both to mitigate the impact of new development and to provide ‘betterment’), and new transport routes will negatively impact on land, residences, and businesses which otherwise would not directly affected by the Development Strategy of this Plan. This has been considered in the formation of the Development Strategy.

All of the roads, roundabouts, bus lanes and cycle lanes are in the Infrastructure Delivery Plans as post 2025 items.

New roundabout at the Junction of Hartlake and Tudeley Road cost of £100-£500k
Upgraded Somerhill roundabout - £100-£500k
B2017 additional capacity improvements - £5-£10m
Five Oak Green bypass - £1bc
Colts Hill bypass - £40-£45m
Railway crossings - £1bc
Cycle lanes - £1-£5m
Bus lanes - £5-10m

Some costs may be shared between KCC and developer

Senior School - £32m
Primary Schools - £11.5-£15.5m
GP Surgery - £5m
Community Hall - £2.9m
Open Spaces - £1bc

Other costs will be negotiated with developers at planning application stage, water supply, sewage, energy, broad band and flood mitigation.

These estimated infrastructure costs of between £102.5-£125.9m.

If you take into consideration of the last major infrastructure project completed in the area, the A21 dueling project between Tonbridge and Pembury the original budget of £23m -£25m with the completed cost in excess of £70m.
These substantial infrastructure costs do not have any extraordinary cost provisions included and highlights the reliance of the majority of costs will be born by the developer / landowner, should there be further costs incurred to the scale of the A21 project, highlights the lack of risk management the council has adopted as any substantial cost increase will threaten the economic viability of the development proposals.

Transport

Policy STR 6

This policy states that future development will be delivered within close proximity to accessible locations of existing settlements across the borough to help reduce the need to travel. Where travel is necessary, active travel (walking and cycling) will be prioritised, particularly in the urban areas, and then public transport (rail, bus, car club car share and taxi) as alternative means of transport to the private car.

Ministry of Housing Communities & Local Government Garden Communities Guidance Document August 2018 page 7 (f)

Transport - integrated, forward looking and accessible transport options that support economic prosperity and wellbeing for residents. This should include promotion of public transport, walking and cycling so that settlements are easy to navigate, and facilitate simple and sustainable access to jobs, education and services.

Capel and Tudeley

The current road infrastructure is already at capacity and during peak travelling hours is barely coping with existing daily traffic volumes with long delays, these proposals will further increase the traffic congestion situation within Tonbridge and Paddock Wood.
The sheer scale and size of these proposals will have an immense impact to the current transport infrastructure system with 1000’s of new vehicles accessing Tonbridge and Paddock Wood on a daily basis, this will also increase air quality and motor vehicle emission issues that are already a serious concern within the borough.
TWB is the 6th worst district in Kent for Poor Air Quality, poor air quality is shortening peoples lives. Significant unacceptable detrimental effects on health and amenity of the existing settlements. The SWECO Local Plan Transport Evidence Base indicates that most households within the area have access to 2 or more cars.
The proposals indicate at least 4,000 new homes will be constructed which would mean additional 8,000 plus vehicles.
The LP Plan promotes prosperity and wellbeing for residents and highlights that it will encourage greater use of public transport, walking and cycling and will provide the necessary infrastructure to achieve this.
The ability to provide dedicated express commuter bus lanes from the Tudeley Village Settlement directly into Tonbridge or Paddock Wood is almost impossible unless many houses within Tonbridge are demolished as the current roads are not wide enough. A bus lane and cycle path could be provided from Tudeley alongside the existing B2017 and the A26 Woodgate Way, but how can a suitable bus lane be incorporated along the A26 Pembury Road and Vale Road especially as these areas are already gridlocked at peak travel times. To achieve a partial bus lane and suitable cycle paths would require further removal of Green Belt/ AONB land and would create access problem for Somerhill School. With 1000’s of acres of Green Belt land proposed to be removed and developed, the plan has not considered the horse riding community which will lose many acres they currently enjoy to exercise their horses all of these proposed cycle paths should include the ability for horse riders to use as routes to access a wider future network of bridleways providing further green spaces for all users to enjoy.

**Housing Policy**

National Practice Guidance (Housing and economic development needs assessments) defines need for housing as "the scale and mix of housing and the range of tenures that is likely to be needed in the housing market area over the Plan Period – and should cater for the housing demand of the area and identify the scale of housing supply necessary to meet that demand.

If you combine Housing Targets for TMBC and TWBC Draft Local Plans nearly 20,000 dwellings are proposed, with 80% of these houses within a 5.82 mile radius of Capel/ Tudeley. Capel Parish has a total population of approximately 2,400 people with plans to develop 2,800 dwellings, this will turn a small village and hamlet communities into a town with a population greater than Paddock Wood (8,253).

The Tudeley and Capel sites will have extremely high development costs due to the substantial infrastructure costs which will make the deliverability of Social and Subsidised Housing very limited, similar to the Kings Hill Development at West Malling that should have delivered a 35% allocation for Social Housing but actually delivered 17%.

These proposals are aimed at attracting the significant migration growth the borough has experienced from people moving out of London into the borough, and not the local community. TWBC Questionnaire Re Option 5 - New Free Standing Settlement - Only 18% of the 34 respondents ranked option 5 as there preferred choice, 60% of 118 respondents (Growth corridor) as their most preferred option, and 67% of the 13 Parish Councils disagreed with TWBC proposals within the Draft Local Plan.

**Economic**

Kent Economic Indicators Report 2019 KCC

Tunbridge Wells ranks well above the national median in five indicators, most notably resident earnings, knowledge economy employs and NVQ4+ which are within 20% of all English authorities. It does however, rank below the national median for 3 year business survival rates, 5 year employee change and employment rate. Tunbridge Wells ranks higher in 2015 in three Indicators: GVA per head, job density and NVQ4+. Its position has fallen notably in workplace earnings, unemployment, 5 year change and 3 year business survival rates.
The Council (KEAs) Key employment areas in the borough, as defined in the Core Strategy are.

Royal Tunbridge Wells Town Centre
Royal Tunbridge Wells - North Farm/ Longfield Road Industrial area
Southborough- High Brooms Industrial Park
Paddock Wood- Eldon Way and West of Maidstone Road
Paddock Wood- Tranfesa Road East and West
Gills Green - Former Hawkhurst Railway Station and sidings
Capel - Brook Farm

All of the above sites already have existing infrastructure and good transport hub connectivity with the exception of Capel/Tudeley, which currently has no infrastructure and very poor transport hub connectivity.

The local Plan very much demonstrates the Councils desire to capture neighbouring Borough Councils economic growth plans and revenues by focusing a majority of its future development plans on TMBC'S ward borders/ boundaries, therefore capturing the high value revenues and relying on TMBC with the ongoing costs of the infrastructure network the Capel developments will be totally reliant on.

"The borough-wide development requirements for housing, employment, retail leisure and other town centre uses, as well as other supporting users;"

This plan is hardly borough wide as 60% of the TWBC total housing allocation within the Local Plan are within a 3 mile radius with 30% bordering TMBC.

There will be significant cost implications to TMBC, public services such as local health and welfare, emergency services, road infrastructure, schools and public leisure and parking facilities will have to be upgraded to accommodate the Tudeley and Capel Villages residents who will access Tonbridge facilities and infrastructure on a daily basis.

There has not been any consideration of potential loss and effect on existing businesses within the area.

The potential closure or substantial reduction of several thriving businesses within the area such as Moat Farm, Adrian Scripps has been successfully farming this area since 1960, today farming 750 Ha, with 320 Ha of Apples, Pears and Blackcurrants, it is now recognised as one of the UK's largest fruit growers, supplying many of the national supermarket chains.

Moat Farm is a key contributor to the local economy providing local employment, a key supporter of innovation and biodiversity preservation.

Bank Farm Equestrian facilities which provides livery for 50 plus horse owners as well as indoor and outdoor riding facilities for many people.

Local shops and businesses in Five Oak Green could suffer substantial income losses or closure.

In recent years Golden Green, Tudeley and Hadlow have enjoyed a positive economic environment as it has firmly established itself as a popular tourist destination in Kent, with people visiting the area from many UK and world destinations, including Australia, USA, South America, India, Hong kong, Singapore, South Africa (Trip Advisor)

It has become evident that such iconic buildings as Hadlow Tower, Tudeley Church, Hadlow Church, Hartlake Bridge, Hadlow Agricultural College, The River Medway, Tonbridge Castle are
extremely popular visitor attractions which has led to a noticeable economic uplift to local businesses in the area in recent years. Local pubs, restaurants, hotels and bed and breakfasts, local shops and businesses have seen a positive economic impact from increased visitors to the area.

Green Belt

Policy STR 4

The release of Green Belt land has been undertaken through this Local Plan, and is detailed where relevant in the place shaping policies in Section 5.

In order to protect the remaining Green Belt, as defined on the draft Policies Map, the Council will consider the proposal against the relevant policy in the National Planning Policy Framework, or national planning policy at the time a planning application is being determined.

Substantial Green Belt boundary alterations are proposed in the Local Plan to enable land to come forward for development. National policy is clear that Green Belt boundaries should only be altered in ‘exceptional circumstances’. Even where such exceptional circumstances are demonstrated to exist, consideration must also be given to the nature and extent of the harm to the Green Belt (or those parts that would be lost), and the effect on Green Belt objectives.

The extent of Green Belt in the Parish of Capel is 96% within the whole parish surrounded by Green Belt and ANOB.

These development proposals are alongside further plans with KCC to extend an existing quarry facility at nearby Stonecastle Farm Quarry and a new quarry at Moat Farm which adjoins CA1, these proposals would see the permanent removal of 1000 plus acres of Metropolitan Green Belt Land.

This area has been subject to 40 years of quarry excavation and landfill, the construction of a 100 acre Solar Farm in 2015, these proposals clearly demonstrate Urban Sprawl. There is very little evidence within the local plan supporting Green Belt Alterations, the parcels of land are very extensive and further development would be intrusive and would have severe settings implications to existing properties located within the area.

Tunbridge Wells Borough Council Constraints Study Page:16

Section 4: Green Belt 4.1 The Metropolitan Green Belt covers 22% of Tunbridge Wells borough. It should be noted, however, that the Green Belt is not an environmental constraint but a policy consideration.

With this in mind, the extent of the Green Belt is shown within this document for contextual purposes. Figure 6 shows where Green Belt is present. 4.2 Section 9 of the NPPF articulates the five purposes of the Green Belt:

* to check the unrestricted sprawl of large built-up areas
* to prevent neighbouring towns merging into one another
* to assist in safeguarding the countryside from encroachment
* to preserve the setting and special character of historic towns
* to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
Protecting Green Belt was a key priority for people who participated in the Issues and Options consultation. The plan should be re-written to implement a growth corridor led approach and to protect Green Belt land within the borough.

The Council has not demonstrated any reason why the permanent removal of this Green Belt which also serves a fully functional flood plain (one of the largest natural flood storage areas within the UK) and is in fact dismissing the substantial environmental value of Green Belt Land which it brings to the area, including significant biodiversity and heritage assets, providing space for water storage to prevent flooding, Carbon capture from acres of mature trees, hedges and historic woodlands.

Furthermore most of this Green Belt area is currently in agricultural use, this can not be considered low environmental value, when global population growth and climate change are putting increasing pressure on land, and when we grow less than two-thirds of our own food. Now more than ever, we need to avoid unnecessary losing our countryside.

Policy STR/CAI The Strategy for Capel Parish.

13. Sites outside AONB but within the High Weald National Character Area, or close to the boundary of the designated AONB landscape, will have similar characteristics and are likely to contribute to the setting of the designated landscape. The AONB Management Plan and any supporting guidance will be a material consideration for these sites.

The AONB boundary is currently defined by the B2017 road, this boundary should be reassessed as this is a boundary that has been defined for convenience rather than actual functionality, and does not adhere to the above policy.

The Current Far Reaching Views from the B2017. Any development would have severe scarring within the Medway Valley and the Downs.

The provisional allocation of CA1 and CA2 will result in significant urban sprawl, diminishing a majority of the Green Belt countryside borders between Tonbridge and Paddock Wood. The evidence within the Draft Local Plan does not provide any special circumstances that justify the permanent removal of this land from the Green Belt. The land was designated as part of Metropolitan Green Belt for sound reasons and particularly to protect and safeguard the many surrounding villages from inappropriate development and urban sprawl and to protect against the proposals that we are strongly opposing today.
Without the appropriate Green Belt assessment analysis that is required to properly evaluate these sites, and the Council’s clear reliance on third party and desk top studies do not warrant any claim for the removal of these Green Belt allocations or very special circumstances.

**Risk Management & Development Strategy Masterplanning**

The Local Plan does not demonstrate the adoption of a robust risk management strategy, allocating 60% of its total housing allocation within a 3 mile radius, bordering another borough of which will result in TWBC receiving all the income from the new developments and TMBC left with all liabilities and ongoing cost of the all the relevant infrastructure and public services that will be required.

The Plan preparation process did not initially include CA1 & CA2 (Tudeley Sites) until the Issues and Options Process Stage, therefore many of the processes and procedures that were undertaken with other sites have not been completed.

Despite CA1 being located within a designated flood zone area, and locally well know as a flood vulnerable area, within a designated fully functional flood plain (one of the UK’s largest natural flood storage areas)

- No Green Belt Assessment
- No Flood Risk Assessment Report
- No Ecological Biodiversity Assessment
- No Landscape Sensitivity Assessment
- No Environmental Assessment
- No Transport Assessment
- No Heritage Assessment

The Local Plan mentions a comprehensive masterplan approach, but does not provide any detail of implementation or costings, however the Council state that they have agreed a highly unusual strategy of jointly promoting the masterplan with the landowner.

The landowner does not have any development experience. Considering these proposals are the largest development plans in the history of Capel / Tudeley and many surrounding villages that will be effected, the deliverability and financial resources of the landowner should be closely scrutinised.

The high risk strategy the Council seems to have adopted for CA1, despite many highly regarded, experienced developers/promoters advising that CA1 & CA2 are development projects full of extreme risk and substantial cost overruns and delays, as major parts of the infrastructure plan are dependent on public funding and the financial resources of a single landowner.

Already there are many questions and issues, including Southern Water announcing recently that the proposed sewer upgrades at Paddock Wood have been abandoned due to lack of funding and commercial viability, this has led to the suspension of the construction of further developments within the Paddock Wood area as the current sewer infrastructure can not provide any further capacity.

The proposed extension of Stonecastle Farm Quarry and additional Quarry at adjoining Moat Farm, within Kent County Council’s Minerals and Waste Local Plan 2013-2030 has not been fully considered within the CA1 development plans.
Who will want to buy a house looking into a quarry?

Potential individual site viability influences relating to likely highly variable abnormal development costs and also to matters that will only impact in certain instances (such as Flood Risk (FR) mitigation and/or Air Quality Management (AQM) related requirements have not been specifically accounted for at this stage.

The evidence that has currently been presented within the local plan highlights the financial instability and potential cost volatility, as any CIL / Section 106 payments still leave a substantial funding gap to fund all the necessary infrastructure costs.

Heritage

There are some heritage assets of strong community importance within close proximity to the proposed CA1 & CA2 sites including Somerhill, All Saints Church, Tudeley, Hadlow Tower, Hadlow Agricultural College, The River Medway, Mereworth Castle, Roydon Hall and Roydon Church. The area is surrounded by abundance of listed buildings and distinctive oasts kilns and historic farmsteads, at least 2 Second World War Pill Boxes which will have their settings and residential amenity severely compromised.

The National planning Policy Framework defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may effect the ability to appreciate that significance;

Historic England Guidance on the setting of Heritage Assets (Good Practice Advice) advises that the setting may be more extensive than the curtilage and views of or from an asset are an important consideration. It also advises that local planning authorities must consider the implications of development which will materially detract from the assets significance and economic viability.

Several of these heritage properties will have direct views of the CA1 and CA2 sites which will directly effect their setting, residential amenity of these listed buildings permanently.

The proposed development area lies in an area of archaeological importance associated with the Medieval and Post-Medieval period connected to the historic iron industry. Records show there is a recognised Monument named Rats Castle Forge which dates back to the Medieval period, potentially the site of the Tudeley ironworks of the mid-14th century.

Parts of CA1 are named in the Doomsday book. The remains of the agricultural field system dating from this period are of considerable value to the surrounding rural landscape. Other heritage assets of archaeological interest include Postern Iron Forge Monument, adjacent to Postern Forge House. Research by the Wealden Iron Research Group suggest that it dates from between 1553 and 1622.

Hartlake Bridge was known to exist in 1460 as in 1451 John Tatlingbery who lived in Barnes place left money in his will for the repair of the road and bridge at Hartlake, as did Henry Fane in 1533.
As set out in the NPPF, heritage assets are an irreplaceable resource that should be conserved or enhanced in a manner appropriate to their significance. Any harm or loss will require a clear and convincing justification.

The setting, significance, and importance of historic buildings can be seriously harmed by inappropriate neighbouring developments and uses. Therefore, for any proposals that would have an impact on the setting of a listed building, applicants will be required to submit technical and illustrative information about the proposed development and its relationship to its setting as part of a heritage statement and/ or design and access statement.

The Council refers within the plan that many conservation appraisals within the borough are no longer fit for purpose as they were conducted over a decade ago, one would hope such appraisal for CA1 and CA2 will prioritised due to the sheer size of the development proposals as well as TMBC recognising the River Medway Valley as a conservation area within its Local Plan.

**Climate Change**

Climate change is a serious problem with far reaching consequences. The Local Plan polices, Policy EN 5 lack any detail or clarity and should be far more robust.

**NPPF 14** Meeting the challenge of climate change, flooding and coastal change.

148. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure.

**Planning for climate change**

149. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk and coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

So far the local plan demonstrates the complete reverse of the NPPF Climate Change Policies,

1) Greenhouse gas emissions and Carbon reduction will increase substantially over the development period, with the large number of HGV’s and various construction machinery accessing the site as well as the local road network, and the proposed quarry extension at Stonecastle Farm and additional quarries at the adjoining Moat Farm will all have a detrimental effect with local air quality and carbon emissions.

2) Long term flood risk implications- This is currently unknown as the Council has not conducted a flood risk assessment of CA1 and CA2, despite NPPF’s guidance in section 155. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime, without increasing flood risk elsewhere.
Local authorities are also advised to adopt a precautionary approach to the issue of flood risk, avoiding such risk and managing it elsewhere. The Local Plan is acutely aware of flooding issues across the Borough and the potential implications at the CA1 site, despite this well published information the Council has still chosen not to seek a flood risk assessment unlike other sites that are included within the plan that are within areas at risk of flooding.

As set out in the NPPF Policy Framework, local planning authorities should only consider development in flood risk areas appropriate where informed by a site-specific flood risk assessment. This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime, taking Climate Change into account. These requirements have not been demonstrated in the Local Plan so far.

3) Policy EN 5 (2) Reduction in flood risk and provision of infrastructure to protect vulnerable communities and habitats, and minimisation of water consumption, so far the plan makes vague references to ‘ensure there is adequate drainage provision’ but does not provide any detail on how this would work in practice. This will ensure surface water is appropriately controlled within the development site, flood risk is managed on-site and off-site and any flood risk in the locality is not exacerbated. Climate Change is predicted to increase rainfall intensity in the future by up to 40%, this will increase the likelihood and frequency of surface water flooding.

How can the Council even consider these sites suitability as they have not provided any evidence or produced sufficient polices to demonstrate the effects of Climate Change, especially as CA1 borders one of the countries largest natural flood plain storage areas, lack of detail and evidence regarding man-made storage facilities to compensate the loss of flood plain and the reliance of the increased capacity at the Leigh Barrier does not result in sufficient flood and Climate Change mitigation. **Avoid inappropriate new development within areas at risk of flooding.**

Further evidence should be produced including SFRA and EA data providing assurances to local residents that their homes are not at risk, and the proposals will not cause significant harm to their surrounding amenities.

**Landscape and Amenity**

Capel Parish has not been included in any of the Landscape sensitivity analysis produced by the Council and its consul-ttees, and as per other important issues that have not been addressed in any detail. This analysis is fundamentally important to determine the identified sites are suitable for development, without such information how can such sites be included within the Local Plan?

However with the limited information available publicly, the Landscape Sensitivity Assessment of the Countryside of Tunbridge Wells assess the borough and addresses the Landscape Sensitivity issues within a traffic light scoring system. Following this principal with Capel one can assume that all the scorings for Capel demonstrate an extremely high sensitivity scoring (RED).

**Landscape Sensitivity Assessment of Countryside around Tunbridge Wells Report - LUC Feb 2017**

**Physical Character**

The landscape makes a strong contribution to local landscape character – e.g. it has a distinctive landform, an intact, natural landscape with strong hedgerows, mature trees and other features of interest, such as ponds or watercourses. Strong landform features such as ghyll valleys are likely to be more sensitive.

E.g. Development would have a poor relationship with existing settlement form, crossing a boundary feature and/or extending into an area with a distinctly different landscape – e.g. the extension of settlement beyond a ridge crest, onto steep slopes or into a valley.
Settlement Setting
E.g. The landscape of the sub-area is important to the setting of one or more settlement areas, providing a distinctive element in many or notable views, inward or outward, that are key to the character of the settlement. The landscape of the sub-area is important in the perception of a gap between distinct settlements.

Visual Character
E.g. The sub-area is prominent in views from the wider landscape (e.g. as a result of openness or landform). The sub-area plays a key role in contributing to valued views, such as scenic views within, from or to the AONB. Distinctive or undeveloped skylines with important landmark features are likely to be more sensitive to built development.

Perceptual Qualities
E.g. A relatively tranquil landscape, lacking strong intrusive elements. Extensively dark skies and a high perceived degree of rurality/naturalness with few modern human influences. High scenic value.

Historic Character
E.g. A landscape with many highly valued historic features, characteristics or heritage assets that are key to local landscape character. The presence of medieval landscape types such as assarts and commons, which are valued characteristics associated with the High Weald AONB, is likely to increase sensitivity, as is the presence of many/important historic components including ancient route ways, Scheduled Monuments or Conservation Areas. Landscapes which are intact medieval landscapes are likely to be more sensitive.

CA1 is within 1 Km AONB buffer zone so is entirely unsuitable for development of this scale, the associated proposed infrastructure will have a further damaging impact.

The surrounding landscape makes a significant contribution to the North and South Downs with far reaching views over the Medway Valley. Any development upon the ridge of ANOB would be severely impacted with permanent scarring of these views which would be very detrimental to a significant area of the Kent Countryside.

CA1 borders ANOB, this border has been assumed by the division of the road B2017, this should be re-evaluated as it is a border of convenience and does not consider the prominent and valued views across the Medway Valley.

It is totally unacceptable practice to identify sites for development without providing suitable landscape assessment.

There is no assessment of the visual impact of developments, which given the setting and the contribution of natural beauty to the surrounding areas again demonstrates further fundamental flaws and unacceptable practice within the Local Plan.

The character of the local area, Capel, Tudeley, Golden Green, Whetsted, Five Oak Green villages, which are all situated within Green Belt, would be virtually destroyed by the cumulative effect of these developments, together with the quarry extensions, and the removal of more than 1,000 acres of agricultural land.
Water and Aquifers

CA1 overlies a significant Aquifer of which is SPZ3, for public water abstraction, this is an important local water supply further development of this area may impact water supply options. As per the recent correspondence between the Environment Agency and KCC regarding the proposed quarrying extensions the EA have concerns that any further development within this area could have a negative impact upon the Aquifers and have requested a Hydrogeological Risk Assessment to be undertaken, this assessment should extend to CA1 as well, to ensure that the Aquifers are not compromised by further development on CA1.

The Aquifer and natural springs within the site will seriously hinder excavations for building, sewage, drainage as suitable mitigation schemes will have to be implemented to avoid puncturing the natural clay membrane that protects the Aquifers.

The Groundwater Protection Zone (GSPZ) situated at Hartlake Road serves public water supplies to South East Water Customers of Pembury and Tunbridge Wells. SEW have stated they intend to use the same sources of supply Hartlake Wells for future supply but have not anticipated additional provisions for 2,800 new homes, which would result in a water supply deficit in the area by 2030. SEW have carried out investigations into eight groundwater sources, and within its Water Industry National Environment Programme (WINEP) report it identifies concerns of raw water quality deterioration from levels of nitrate and pesticides, metaldehyde and carbendazim. The Hartlake catchment is at risk from nitrate and pesticides and the investigation found a significant relationship between groundwater levels in the river terrace gravels at the Hartlake site and the River Medway levels and flows.

The Draft Local Plan has not considered the potential environmental issues around the Hartlake Aquifers and with rising nitrate and pesticide levels that have already been identified, any penetration to the Aquifers would lead to further significant human health risks.

Draft Local Plan -Water

"New development can impact on water quality through the creation of diffuse pollution from urban surface water runoff. Diffuse urban pollution is a significant factor in compromising the water quality standards that are required under the EU Water Framework Directive the Government recognises that tackling diffuse pollution originating from urban runoff is a high priority."

There is a large variability in the levels of pollutants in urban runoff. Levels of contamination rise with traffic intensities and with contaminants from commercial or industrial activities. It is therefore important that consideration is given to the location of the development. When sensitive receiving waters are in close proximity, drainage systems must be designed to protect both surface water and ground water. The potential risk posed by a site must be assessed and adequate measures put in place to reduce the risk to acceptable levels. Inclusion if sustainable drainage systems within new development is an important means of reducing urban runoff and improving the water quality of the runoff (see policy EN 26)"

Policy EN 26 Water Quality, Supply and Treatment

"All major development must demonstrate that there is, or will be adequate water supply and wastewater treatment facilities in place to serve the whole development (including all phases where applicable). Improvements to supply and treatment facilities, the timing of their provision and funding sources will be critical to the delivery of development."
SEW have already highlighted there could be supply issues by 2030. SEW will be required to increase the current water infrastructure which will require a substantial developer contribution under the Water Act, there are currently no details of these financial obligations required by the developer/landowner, furthermore there is very little details regarding the improvements of supply, treatment facilities, timing of their provision which the above highlights is critical to the delivery of the development.

The Council states the protection of ground water resources is particularly important in Tunbridge Wells borough, since the majority of the public water supply is abstracted from water-bearing strata or aquifers. The quality of ground water is easily polluted, directly and indirectly and can pose a serious risk to public health.

Water: In Kent we are already using most of the capacity in the county and in some places already exceeding it. This water stress will be exacerbated by growing population and climate change. In addition, the quality of our water effects our health, our economy and our natural environment but is under increasing pressure from pollution, reduced river flows and physical modifications to water bodies.

Clearly CA1 is situated within an area where its water resources are already under serious stress, and currently there are a number of issues outstanding with the Environment Agency, KCC and local residents.

In 2002 KCC refused planning permission for quarry extensions at Stonecastle Farm (M:13) on the grounds of potential pollution and contamination to the Aquifers, as well as concerns of public health risk, as the Hartlake Aquifers are a source of public and commercial water supply.

Recently 2 former landfill sites closely situated to CA1 have been suspected of possible contamination into the surrounding land and waterbodies, which has led to the Environment Agency to announce a they will be conducting a investigation to establish if any contamination has penetrated the Aquifers and surrounding waterbodies.

The Draft Local Plan has not considered the potential environmental issues around the Hartlake Aquifers and, with rising nitrate and pesticide levels that have already been identified, any penetration to the Aquifers would lead to further significant human health risks.

Land Contamination Draft Local Plan

6.289 - “Any land contaminated with hazardous or toxic materials is a potentially a serious cause of pollution, as well as a threat to human health; it can also migrate into watercourses, impacting not only the water quality, but biodiversity. Contamination can derive from previous uses, such as industrial processes involving chemicals, intensive agricultural, or closed waste disposal sites where landfill gas and leachate are still present.”
6.29 “The Council holds a wide range of data on potential sources of contamination, such as historic land use, planning history, pollution incidents, details of closed landfill sites, and site-specific reports on investigation and remediation. Further information and guidance can be found on the Council's website.”

Part IIA of the Environmental Protection Act 1990 requires the Council to identify contaminated land that is posing an unacceptable risk to human health or the wider environment, and to secure remediation of that land.

The draft plan does not identify the neighbouring 2 former landfill sites of which have had millions of tonnes of household, industrial rubbish deposited there in the 1980’s and 1990’s, given the historical issues regarding previous mineral workings, and the major concerns of further pollution to the surrounding aquifers it is very concerning that the Council have not appeared to have considered the potential environmental and health risks prior to submission of CA1 to the Draft Local Plan.

Air Pollution and Air Quality

Air quality is vitally important to the quality of life. Developments, if not properly planned and designed, can contribute to the deterioration of air quality which can harm the health of residents, workers, and visitors to the area.

Poor Air Quality arising from traffic congestion is a major public health risk.

With further housing proposals submitted within close proximity to the Tudeley and Capel sites. (Tonbridge and Malling and Maidstone Borough Councils Local Plans,) there could be thousands more new homes constructed during the plan period, all using the current road infrastructure, which will clearly increase air pollution and diminish the air quality within many of the surrounding villages.

The proposed mineral extensions will also have a detrimental effect to local air quality and air pollution, as there will be 30-50 HGV’s operating on a daily basis serving the quarries, additional dump trucks and diesel powered generators and machinery will also be operating within close proximity of CA1.

Dark Skies and Outdoor Lighting
Given the topography of CA1 and CA2, which borders ANOB, which currently provides panoramic views across the Medway Valley and the Downs, with significant areas of ancient woodland, areas of archaeological interest, historic parks and gardens, (Somerhill School, The Postern), large designations of ecological and wildlife which currently remain undisturbed. How will the addition of 2,800 homes and a secondary school fail not to effect by the removal of the current Dark Skies that are currently enjoyed. The permanent illumination of these proposed developments will have a substantial impact to a much wider area than just the local community as it will be seen from residents on the North and South Downs as well as the Medway Valley.

LCP : 6.115 “The Impact of light pollution is particularly harmful in the open countryside, where rural character is eroded and the distinction between town and country is blurred: Likewise, light pollution can also compromise the architectural and historical character of conservation areas, and listed buildings or their settings. The full effects of artificial lighting on biodiversity are not fully understood, but nocturnal animals can be seriously affected by artificial light at even very low levels, adversely affecting their ability to feed and reproduce.”

Sky Glow and luminance should be at zero, with particular consideration given to the dark skies of the High Weald ANOB as set out in the High Weald ANOB Management Plan.

**Biodiversity**

**NPPF -15. Conserving and enhancing the natural environment.**

170. Planning policies and decisions should contribute to enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan):

The LP does not demonstrate any enhancement to the valued landscape, combined with the proposed further mineral extractions within the area, will permanently remove 1,000's of acres of Metropolitan Green Belt, Prime Agricultural Land. Surrounding, current fertile soils will be removed and replaced with overburden and gravel pits.

The loss of the current valued landscape will have catastrophic consequences for the current rich ecological and biodiversity habitat that are evident in the area. No amount of mitigation, compensation will provide such a rich and fertile environment currently enjoyed by the wildlife and plant-life today.

b) “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services-including the economic and other benefits and most versatile agricultural land, and trees and woodland:”
This proposed development area has been farmed for many generations, providing local employment, positive contributions to the local economy. The farming community has developed the intrinsic character and beauty of this area, and have supported and developed a vibrant biodiversity conservation programme.

Recent and proposed development has/ will see the removal of many mature trees, woodland and hedgerows.

It is well documented this area has highly valued versatile agricultural land, as history has demonstrated, evolving from cattle farming, hops, orchards and soft fruits and cereal crops. Hadlow Agricultural College which originated over 50 years ago, purchased Bourne Grange Estate Hadlow, as the area was locally known for its rich and fertile soils within the Medway Valley, which provided the college the ability to grow the diverse range of crops needed to service both agricultural and horticultural departments.

England’s protected landscapes are amongst its finest and most treasured landscapes. The landscapes we see today are cultural landscapes - the result of thousands of years of human influence on the countryside as people interact with nature. They continue to be living and working landscapes and the people who manage the land today safeguard their special qualities.

d) “Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures:”

The LP mentions Policy AL/CA 15. iii “Existing habitats and species and opportunities for landscape scale improvements for biodiversity to ensure a net gain for biodiversity focused on key locally important habitats and species (see policy EN:11 Net Gains for Nature; biodiversity and EN 12: Protection of designated sites and habitats):”

Policy EN 11-Net Gains for Nature: biodiversity
Development will only be permitted where it meets all of the following criteria:

1) It can demonstrate to the satisfaction of the Council through the application of an acceptable method of measurement, or impact assessments, that completion of the development will result in a measurable long term net gain for biodiversity:

It is most concerning that as to date the Council has been happy to proceed with the Inclusion of CA 1 and CA 2 within the LP based off very vague and generalist desktop study which takes a borough-wide assessment - Biodiversity Evidence Base for Draft Local Plan- Regulation 18 Consultation September 2019.

In view of the size and scale of the proposed developments (one of the largest within the plan) and the potential net loss of land, far more information should have been provided within the plan. No biodiversity assessment has been produced to date, it is very evident that the Council have not collaborated with other local authorities who have development plans within the area as many biodiversity issues have arisen which will have a direct effect to these sites.

The LP should ensure that biodiversity cannot be offset elsewhere, and must demonstrate through a clear application metrics that net biodiversity gain is achieved now, and not some point in time, in the future.

The Government 25 year Environmental Strategy requires net gains for biodiversity this is reflected within the NPPF.

NPPF Habitats and biodiversity

174. To protect and enhance and geo-diversity, plans should
a) "Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation and"

b) "promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

The adjoining Farm, Moat Farm is bordered to the north-west by Ancient Woodland, with further Ancient Woodland situated on the site to the south-west. Stonecastle Farm, has Ancient Woodland, there is BAP habitat Deciduous Woodland. Both areas have been part a resurgence in Biodiversity conservation over the last 30 years with Moat Farm working in collaboration with the RSPB to protect and preserve Turtle Doves. The Former landowner of Stonecastle Farm spent a life time supporting biodiversity conservation, Ex Chairman of Kent Wildlife Trust, he planted the Deciduous Woodland to conserve and protect the diminishing Owl community, there are a number of Owl Boxes situated over the entire site and today many species of Owls can been seen, including Barn Owls, Tawny Owls and Short eared Owls.

The most diverse habitat within the area which contains a nationally rare plant, True fox sedge, this rare species of plant is associated with wetland habitats, such as floodplain, meadows, ponds, ditches and rivers, There are a number of species of birds which are included on the amber and red data lists in publication "Birds of Conservation Concern:" Birds of particular concern Nightingale and Turtle Doves which are listed in the Kent Biodiversity Action Plan. A considerable number of bird breeding territories will be lost with these development proposals. The area has already been subject to significant loss of biodiversity with the development of 100 acres of Green Belt Land in 2015 into a Solar Farm. There has been a noticeable reduction of the Bat, Hares, Field and Hazel Mice, Wild Partridge, Deer, Water Vole population, just to mention a few. The Swan community that was always evident at Mote Farm for many years, and historically know as a pairing area for 100's of signet swans has almost completely disappeared since the installation of the solar farm. There are many species of butterflies and dragonfly's within the area of which some species have been reduced substantially due to the recent removal of many shrubs and trees to make way for a new haul road for the current quarrying operations at Stonecastle Farm Quarry.

Kent has not met its Biodiversity 2010 targets and with biodiversity continuing to decline, it is likely that we will not meet its Biodiversity 2020 targets without targeted interventions. A healthy natural environment, rich biodiversity, provides more effective services; the economic impact that degraded habitats have on ecosystem services, for example through the decline in pollinators, is increasingly recognised.

The last century has seen major losses and decline of species within Kent. Amongst the most important drivers of biodiversity loss in Kent are: the direct loss of land of value to wildlife to built development which has reduced and fragmented populations; and effects of climate change.

Ancient Woodland
CA1 and CA2 have a number of ancient woodland blocks situated at Postern, Stonecastle Farm and Moat Farm. Ancient Woodland is an irreplaceable habitat and is protected by the Forestry Commission, National Planning Policy and Natural England for its contribution to wildlife and the cultural and historic landscape. Postern Lane is bordered with ancient hedgerows which have a high potential species-rich value and nesting birds, which are afforded protection under the Wildlife and Countryside Act (1981). The Kent BAP recognises their value to wildlife, habitats for bats, dormouse and birds and aims to ensure no net loss of ancient hedgerows (Ancient & Species-Rich Hedgerows, Kent Habitat Action Plan, Number 01, 2005).

Indirect impacts to ancient woodland are likely to result from the proposed allocation and further clarity on how the impacts will be avoided and fully mitigated should form part of the site allocation process if this allocation is progressed.

**The River Medway**

**Landscape Character:** Dominated by the floodplains of the River Medway and its complex network of small streams and tributaries. An undulating landscape of clay vales, fields within the floodplain are of a medium scale and more regular in form having been amalgamated through loss of field boundaries, and riparian vegetation. Small woodlands, historic hop gardens and orchards are common land uses.

**Biodiversity:**

1. The most significant features are the courses, tributaries and floodplains of the River Medway, Beult and Teise. The floodplains support species-rich meadows or floodplain grassland and grazing is a significant landscape feature and management practice.

2. Associated habitats include ponds, and gravel pits (former quarry workings), small areas of woodland, including mature ancient woodland, and fen.

3. Key species include otter, depressed river mussel, white-clawed crayfish and river lamprey.

The River Medway, the River Bourne and their tributaries pass through the Borough and have significantly influenced the history and development of the area. An extensive area of the Borough lies in the floodplain of the River Medway, the potential impact of which in Tonbridge is reduced to some extent by the Leigh Flood Storage Area immediately west of the town. **Much of the floodplain is also of significance for biodiversity with extensive areas of the lower Medway Valley being designated as Sites of Special Scientific Interest.**

Tonbridge and Malling Borough Council recognises within it’s Local Plan the importance of the River Medway Valley, and acknowledges the importance and many benefits this area brings to a wide community, highlighting the area within its Green Infrastructure and Ecological Report which commits to further preservation and conservation.

**Targets:**
1 Achieve a quantifiable improvement in ecological status of all water bodies, as judged by Water Framework Directive indicators.

2 Pursue opportunities for creation of wider river floodplains with riparian corridors around natural drainage channels.

*Green Infrastructure and Ecological Networks – March 2018*

3 Pursue opportunities for the delivery of catchment improvement work, including enhancing, restoring and creating fen, wet woodland, reed-bed and wet grassland and action for key species such as otter.

4 Secure the appropriate conservation management of all existing Lowland Meadows. Enhance at least 50ha of species-rich neutral grassland to bring it to UK BAP priority habitat Lowland Meadow quality.

5 Pursue opportunities to create new species-rich neutral grassland, particularly close the Marden Meadows SSSI and south of Sevenoaks, in blocks of 2ha or more, where this will contribute to meeting the county target of creating 37ha by 2020.

6 Enhance or reinstate woodland management, and extend and reconnect fragmented woodlands where this would not conflict with grassland conservation and enhancement.

7 Continue to encourage the positive management, restoration and re-creation of hedgerows, particularly where this would reconnect other habitats or enhance the landscape, in particular where these have been removed due to agricultural intensification.

8 Improve the management of invasive species in and alongside water courses.

9 Maintain, restore, recreate and buffer ponds, particularly to establish networks of sites to support great crested newt.

10 Action for naturally widely dispersed habitats (ponds, traditional orchards), wildlife associated with arable farmland, and widely dispersed species such as great crested newt will need to focus across the whole of the area and not just within the Biodiversity Opportunity Area boundary.

With the proposed development of CA1 and the new Quarry and its extensions will seriously impact the conservation, and targets that have been outlined within Tonbridge and Malling Local Plan as well as potentially reducing it is designated Green-space and Green Infrastructure allocation.

Hartlake Bridge is a key component to open Green Space, providing connectivity via riverside walks to Tonbridge, East Peckham and Yalding, enjoyed by many people who travel far and wide to enjoy this area, it is a key leisure hub, providing many activities such as angling (Tonbridge Fishing Club) Canoeing, leisure boating, horse riding birdwatching, cycling, running, dog walking, walking, picnics and simply a wonderful countryside outing for families enjoying these very popular
public footpaths with all of the current development proposals this could compromise this whole area.

Hartlake Bridge is a memorial site for families who each year visit the area to remember previous generations, who lost their lives on 20th October 1853 in a tragic accident on the bridge where 30 hop-pickers lost their lives in the river, this is know as the Hartlake disaster. There is a dedicated memorial situated on the bridge as well Hadlow Church to remember these families.

Quarries - M13 Stonecastle Farm Quarry extension and M10 Moat Farm

**Stonecastle Farm Quarry-M:13**

Historically Stonecastle Farm has operated as quarry, waste landfill and cement manufacturing facility since the 1970’s. In 2000 the operator Lafarge applied to Kent County Council for planning permission to extend its sand and gravel operations over a further 600 acres of prime agricultural, Metropolitan Green Belt Land. This planning application was rigorously rejected by the planning authorities for a number of reasons including noise, dust, additional flood risk, the permanent removal of agricultural land, lack of mitigation to neighbouring listed buildings. The key concern was the effect further quarrying would have on the Water Aquifers and the high probability of contamination to public water supplies.

In 2008 the operator suspended existing operations at Stonecastle Farm, under section 26 cessation act of the planning consent. KCC granted temporary suspension for 2 years, the operators reasons for the closure/suspension was due to the current economic climate it was not financially viable to continue with its quarrying operations.

This closure/suspension of the quarries continued until 2018, the site had been left abandoned for 10 years leaving all the rusting dysfunctional plant machinery in situ, contaminated oil and fuel bins, the site over the years suffered considerable contamination, vandalism and theft as it was left unsupervised and unsecured.

December, 2017 a small number of local residents were contacted by the KCC, requesting comments on their Kent Mineral Sites Plan which formed the basis of KCC Draft Early Partial Review of Kent Minerals and waste Local Plan 2013-2030 (KMWLP). Included within the KMWLP draft plan were proposals to extend Stonecastle Farm Quarry as per the rejected proposal of 2002, as well as additional new Quarry situated at neighbouring Moat Farm. These 2 identified sites are the only sand and gravel sites remaining within the KMWLP and if consented will provide 2.5million tonnes of sand and gravel over a 30-60 year period.

August 2018 KCC contacted a small number of local residents who lived close to the existing operations informing them that the operator had submitted a pre application with a revised scheme to resume operations at Stonecastle Farm Quarry.

On 28th October 2018, a planning application was submitted to KCC with a revised scheme of working for the already consented workings for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599. The proposal declared there had been an improvement in the market conditions and the applicant would now like to recommence extraction at the site in 2018,
further revisions included changes of the working arrangement within Phases 1 and 2, mineral working to be undertaken 'wet' using a long reach excavator (ie below the water table without dewatering); Relocation of the internal haul road to follow the southern boundary of phase 1 to avoid previously restored areas of the site along the northern boundary of phase 1 and; Campaign working to change from 3 months to 6 months each year - reducing the intensity of extraction operations whilst avoiding wetter periods.

KCC granted planning permission to the revised scheme and with immediate effect the operator began the removal of 1000's of mature trees and shrubs, breaching further planning conditions to make way for the revised haul road. In March/April 2019 the operator removed all the existing dysfunctional plant operations machinery, along with all the site buildings.

At the time of writing this submission quarry workings have not resumed and a forthcoming planning application is expected for the installation of new plant equipment.

The Kent Minerals Waste Local Plan is currently being assessed by the Inspectorate under Regulation 19 and the Inspectors report will only be available after the end of this Regulation 18 consultation on the Draft Local Plan.

A number of key issues have arisen during the KMWLP Plans examination which are very relevant to TWBC's Local Draft Plan, including additional flood-risk, further loss of Green Belt, Green Belt Special Circumstances, Landscape and Visual Impact, Contaminated Land, Contamination of local water courses and Aquifers, Urban Sprawl, Biodiversity, Health and Amenity and Heritage.

**Historic Landfill at Stonecastle Farm**

The Mineral Planning Authority (MPA) permitted the importation of various waste materials at Stonecastle Farm in the early 1970's under condition (xii) of planning permission TW/79/753 and subsequent other conditional consents continued through the 1980's and 1990's.

The landfill area comprises of two large parcels of land which were backfilled with these waste materials following the completion of mineral extraction. These areas are located to the north of and south-west of the previous processing area.

Condition (iii) (h) of the planning permission TW/79/753 states "measures to minimise the accumulation of groundwater and generation of leachate within cell being backfilled, and removing such groundwater and leachate as does arise from the site for appropriate treatment and disposal".

Monitoring information obtained from the Environment Agency has demonstrated that the landfill sites have recorded volatile and excessive leachate, methane gas and nitrate readings in recent years, as well as the possibility of the leachate escaping from the contained cells into the surrounding water courses and aquifers, especially during severe flood events.

There is extreme concern within the community, especially as the area has historically flooded. Local residents have requested a comprehensive independent investigation with detailed analysis and to seek assurances that all contamination risk and health risks have been mitigated.
This serious environmental issue is very relevant to the Draft Local Plan as the existing and future contamination risks to the surrounding aquifers and water courses will have a direct impact on any proposed housing within the area.

TWBC was not represented at the recent Inspectorate hearings for M10 Mote Farm and M13 Stonecastle Farm and No Statement of Common Ground between KCC and TWBC has been agreed or signed and was noted by the KCC and the inspector. This raises serious concerns about the fulfillment of “Duty to Co-Operate” requirements and whether either of these plans meet the test of soundness.

Considering the many implications that both the housing and quarry developments will bring, as who will want to purchase a house that looks straight into a quarry?

It is surprising and very concerning that TWBC have chosen not to consult with the KCC to date.

**Flooding**

Both Capel/Tudeley and Paddock Wood have a long and documented history of many flooding events both from fluvial and pluvial flooding with some of the worst flooding in 1960, 1963, 1968, 2000, 2009 and 2013.

Some areas are flooded more regularly such as Hartlake Road and Crockhurst Street, Hartlake Road is regularly closed for long periods due to overtopping of the Medway, and was closed last year for a period of 4 weeks due to severe flooding. Crockhurst Street suffers severe flash flooding regularly, both areas border the proposed CA1 developments.

NPPF-Section 149:

"Plans should take a proactive approach mitigating and adapting to climate change, taking into account the long-term implications for flood risk".

NPPF-Section 155:

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at the highest risk (whether existing or future). Where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere".

NPPF- Section 157:

"All plans should apply a sequential, risk based approach to the location of development- taking into account the current and future impacts of climate change- so as to avoid, where possible, flood risk to people and property...seeking opportunities to relocate development, including housing, to more sustainable locations.

NPPF- 158:
"Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

PW1 - Capel East - Increased Flood Risk - The Provision of approximately 4,000 new dwellings.

* The SFRA understates the impact of climate change over the > 100 year horizon for residential development. Appropriate cautionary allowances have not been made.

* The dwellings would need to be protected from a potential breach of new water storage or reservoir facilities.

* Polices STR/PW1 and AL/PW1 Capel East - The proposed development will increase the flood risk both within the development and to the existing communities in Paddock Wood, Five Oak Green and the surrounding areas.

* The SFRA prepared in support of these polices is not fit for purpose because it does not adequately quantify the flooding risk, does not include comprehensive flood mitigation measures and does not provide detailed specifications of those measures that have been included.

* These development proposals are very reliant on additional storage capacity at Leigh and do not provide any contingency plans should the barrier be breached again as in 2013.

* There have been several developments recently in Capel where the EA has insisted on raised floors and containment (tanks, swales etc) with restricted discharge. In at least one case, the EA have specified the inclusion of a void below the raised ground floor level to allow flood water to run and sit below the ground floor accommodation, at least one of these developments have become unsaleable due to the flood risk.

* The identified parcels are not currently protected by formal flood defences and the SFRA admits that the development will cause increased flood risk. Given that the proposals remove so much floodplain storage by building on it, and the SFRA identifies that some of the parcels of land are extremely vulnerable to flooding, following NPPF guidance these sites should not be considered for any development at all.

* Loss of floodplain connectivity within the rural and upper reaches of tributaries which flow through and around the development site will increase flooding to the area.

* The SFRA does not conclude that the limited mitigation will eliminate future flood risk or provide any evidence of ‘betterment to existing properties within the area.

* Development / removal of one of the UK’s largest floodplains is not appropriate, especially when considering recent events happening across the UK. Fishlake village in Yorkshire where over 400 homes have been flooded as the River Don overtopped, 1,200 properties have been evacuated. The Whaley Bridge Dam in Derbyshire where more than 1,000 homes were evacuated in August 2019. Somerset Levels spent much of the winter of 2103-2104 underwater, villages were isolated, many homes evacuated.
Flood warnings in the area have increased substantially over the last 10 years.

The Level 2 SFRA states “it has been stressed that the purpose of this part of the study is to demonstrate that the principle of development can be supported at the parcel.” The analysis performed was not to identify preferred options or optimum solutions.” The report again highlights that even with flood mitigation the parcels will still be vulnerable to flooding. The data assumptions for the modelling is guess work as there is no data available and recommends that understanding of the flood risk within Paddock Wood would be supported by data which helps analyse how the watercourses respond to rainfall. No calibration or verification of the modelling has been possible, and the flood flows resulting from the design input cannot be sense checked against historic event rarity.

The current Paddock Wood sewer infrastructure is already operating over capacity, expected upgrades to provide further capacity have recently been abandoned by Southern Water due to its economic viability. Residents have experienced many incidents of sewer flooding, as the current infrastructure cannot cope with the existing housing demands. The issue has now been take up with Local MP Greg Clark who has requested the intervention of the Housing Minister and further discussions with Southern Water.

In conclusion the proposals are to increase flood flows from the Leigh barrier with further storage facilities, and decrease flood flows at Tudeley and Paddock Wood with partial removal of the natural floodplain, potentially installing dams and water-storage facilities. Importantly, any flood risk management measures will require substantial upfront capital costs and then ongoing costs to support maintenance and perhaps reconstruction once its design life is passed. The issue here is who is going to be responsible for these costs? How is this going to be funded? and who will be responsible for the ongoing management and maintenance?

It is very concerning to local residents that despite the evidence produced and all the mitigation proposals there is still a strong possibility that flooding may still occur within the area. and the Council are appearing to put their own housing requirements before human lives.

CA1 Tudeley Development

Flood Policy Statement AL/CA1

* Tudeley: the provision of flood storage/attenuation/mitigation areas to reduce the flood risk to particular existing residential areas in Five Oak Green and Paddock Wood; There is no mention of other surrounding villages such as Golden Green East Peckham, Yalding all of which are reliant on the floodplain which currently provides some flood protection, any removal will have implications for these villages.
*Contributions will be required for flood storage/attenuation/mitigation; Importantly, any flood risk management measures will require substantial upfront capital costs and then ongoing costs to support maintenance and perhaps reconstruction once its design life is passed. The issue here is who is going to be responsible for these costs? How is this going to be funded? and who will be responsible for the ongoing management and maintenance?

* The masterplanning for this site be linked with the strategic delivery of infrastructure, including in relation to surface water, multiple benefit Sustainable Urban Drainage Systems, foul water, etc.;

*The development on the site should demonstrate that it will not exacerbate flooding elsewhere in the vicinity, particularly from the Alder Stream at Five Oak Green, and that as part of the wider delivery the development delivers storage/attenuation/mitigation, to reduce the flood risk to particular existing residential areas in Five Oak Green. This is also one of the justifications for the release of Green Belt land;

*Regard should be given to the Groundwater Source Protection Zone which falls within the north of the site and the Environment Agency should be consulted on any planning applications coming forward.

* There is NO SFRA assessment for CA1 although parts of the site reside within a floodplain. This is despite the Policy Overview stating "Flood Zones 2 and 3 in northern part of Tudeley". It is well known that many parts of the site are regularly subjected to flooding.

Given the absence of information regarding the development parcels within the allocation, unlike PW1 Capel East, the consideration of Policies EN26-EN29 covering Water Resources, Drainage and Flood Risk cannot be adequately made. A full SFRA, with parcel analysis, for the proposed site CA1 is required for several reasons, including:

* The northern section of the proposed development CA1 includes areas within the floodplain as shown in the EA current flood risk map even before any adjustment for climate change.
* There is no assessment of the effects of this proposed development on the surrounding communities located along this flood plain.
* The increased risk of flash flooding from surface water given the vast amount of lost agricultural land.
* Run-off from developments, including roofed and paved surfaces.
* The specification of adequate SuDS to mitigate the flows and filter contaminated run-offs.
* The site is already at risk from extensive surface water flooding.
* The assessment of the impact of climate change on local and wider areas.

The CA1 Tudeley site consists of approximately 400 acres of substantially undeveloped agricultural land which already sends vast amounts of water northwards to the fully functional floodplain and aquifers, the proposed development will effect the flood risk without extensive mitigation measures.

With the floodplain already under stress from the existing surface water issues, combined with the increasing river levels of the River Medway a majority of this area becomes an extension of the river and can remain under water for lengthy periods during a flood. Adding further run-offs from the construction of buildings, roads, driveways and other impermeable areas and potentially further
gravel pits from mineral workings will substantially increase the flood risk to the immediate and surrounding areas.

The loss of floodplain connectivity within rural upper reaches of tributaries which flow through and surround the site will again significantly increase flood risk. A large proportion of existing vegetation will be removed / destroyed, trees, wooded areas, hedges, surface vegetation and crops. This vegetation absorbs large quantities of water during active growing periods significantly reducing the ground water levels. Water volume and flood height will increase, a single mature Oak tree can absorb 100,000 gallons of water from the ground each year. (Building Research Establishment).

A further key risk and defined within the Minerals Plan is contamination from pollutants in run-off flows to the GSPZ aquifers at Hartlake and other watercourses. There are also 2 water extraction licences within the area, with further anticipated capacity requirements of water resources this could have further consequences in dry periods for the aquifers.

The Policies STR/CA1 & AL/CA1 TUDLEY do not provide any detail on how the proposed development will provide mitigation and merely state that this will be determined in masterplanning. This means that this plan cannot demonstrate that it is sound or deliverable. The flood policy statement is also unsound as it only includes Five Oak Green and Paddock Wood and does not consider the more immediate impacts on Tudeley residents nor the effects on Golden Green, East Peckham, Yalding and further downstream from the barrier.

Strategic Storage: Many of the development proposals throughout the Draft Local Plan are very reliant on additional storage capacity at Leigh to provide flood mitigation and do not provide any contingency plans should there be a repeated breach. The planned further storage capacity upriver at Leigh will increase river flows down river when under stress causing significant risk to human life.

Flood defences: There are no formal strategic flood defences at these sites and it is important to understand the consequences if the design standard of any new defences is exceeded or if they fail.

It will need to be demonstrated that the defences will not have a resulting negative impact on flood risk elsewhere and that there is no net loss in floodplain storage that could cause flood water levels on adjacent land to be elevated.

Policies STR/CA1 & AL/CA1 have not identified the measures necessary to mitigate the flood risk within the development and the stated ‘betterment’ of flood risk to the existing residential areas would need to be evidenced with a suitable guarantee that would satisfy insurance underwriters. This report has highlighted the many inconsistencies within the Draft Local Plan and, considering the evidence, it seems incomprehensible that the Council has not conducted a SFRA for CA1, unlike other identified flood vulnerable sites. The presented Plan is neither sound nor deliverable and does not provide the necessary justifications for the release of Green Belt land.

Agricultural Land
Policy EN 22

"The Local Planning Authority seeks to protect best and most versatile agricultural land from significant, inappropriate or unsustainable development. Where development of agricultural is required, applicants should seek to use areas of poorer quality agricultural land in preference to that of higher quality except where this would be inconsistent with other sustainability objectives.

Planning applications that would result in the loss of best and most versatile agricultural land will need to justify why the loss of agricultural land is acceptable and also assess the impact of loss of the agricultural land on the wider farming resource and ecosystem services. Where site specific ALC studies are not available The Local Planning Authority will assume that the site is classified as best and most versatile”.

CA1 and surrounding land is considered to be Agricultural Land Classification Grade 3a and Grade 2, therefore considered to be part of the best and most versatile agricultural land (BMVAL) and extremely worthy of preservation. All the current development proposals will permanently remove in excess of 1,000 acres of Prime Agricultural Land which currently provides a number of cereal crops, soft fruits and orchards. This is extremely important food supply source and should not warrant the ability to make way for housing development outweighing the need to preserve good quality farming land.

*Noise*

Policy EN 30

"Residential and other noise sensitive development will only be permitted where it can be demonstrated that users and occupiers of the development will not be exposed to unacceptable noise disturbance from existing or proposed uses, as set out in the Council’s adopted Noise and Vibration Supplementary Planning Document”.

Noise and Vibration Supplementary Planning Document:

Section 1: “This supplementary document (SPD) seeks to ensure that there is sufficient mitigation for noise to prevent substantial loss of amenity at development stage. There are statutory provisions for noise beyond planning legislation, including the Control of Pollution Act 1974 that deals with construction site noise and legislation such as Environmental Protection Act 1990 that deals with statutory nuisance”.

1.6 NPPF Planning Polices and decisions aim to:

* avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
* mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through the use of conditions:
* recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes of the land in nearby land uses since they were established, and
* identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason

2.3 In addition to requirements under EIA, the Borough Council will require an assessment in situations where;
*there is a proposal for a development generating noise/and or vibration in a noise sensitive area (premises where noise is likely to cause or contribute to some harmful or otherwise unwanted effect, such as annoyance or sleep disturbance) These premises will include residential development, offices, hospitals, car homes and schools and other premises regularly occupied by people.

3.26 Railway noise emanates from a variety of sources. For noise from operational railway lines, the noise levels found in tables 1 and 2 will be appropriate. Local noise from station activities, freight distribution, depots and marshalling yards should be treated in the same way as noise from industrial and commercial sources.

3.27 The likelihood of significant ground-borne vibration will depend on the nature of the ground and the types of train. Ground-borne vibration can occur close to railways and sometimes next to some types of industry. The possibility of vibration and re-radiated noise caused by trains running in tunnels should not be overlooked. Advice on acceptable levels of vibration can be found in BS 6472 1-2: 2008 Evaluation of human exposure to vibration in buildings.

Noise from aircraft

3.28 Noise from aircraft has not been a significant planning issue to date within the Borough although with recent changes to flight paths approaching Gatwick airport in particular this situation could change and this situation will continue to be monitored.

Local residents that live within the Medway Valley are concerned that the CA1 development proposals would substantially increase constant noise levels as the surrounding land is flat being at the base of the floodplain valley, and any noise travels from the high ridges across the valley. This would give rise to significant adverse impacts on health and quality of life as a result of new development.

This valley is recognised as a area of tranquility and natural beauty, the LP does not recognise this and further consideration of this policy should be implemented “identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.

There has been a significant increase in aircraft traffic over the last 2 years and is set to further increase directly over CA1 if Gatwick Airport is successful in increasing flight path traffic.

No consideration for the increase in noise pollution from the proposed mineral workings and machinery, along with the proposed development machinery residents will experience a significant increase in noise pollution. Significant adverse impacts on health and quality of life.

Railway

Development proposals for CA1 and CA2 are completely unsuitable for a garden settlement as both sites have a mainline railway line running through the middle of them, with very limited access. Only 2 access crossings which are not fit for purpose to service such developments as they are via Hartlake Road/ Sherenden Road (CA1) which are weight restricted country lanes, the railway access is so narrow that only one car can pass at a time under the railway embankment.

Access to CA2 Railway Bridge is limited via a single track private road, the bridge has significant vertical cracking to its structure showing that existing traffic reverberations from trains is damaging
its structure. It is anticipated that Network Rail would have serious objections to additional volumes of traffic crossing the railway bridge as it would represent a massive increase in the structural load being placed on an already fragile structure.

It is understood there are no further proposals by Network Rail to provide any further access to CA 1 or CA 2 due to the high capital costs and the long term delays that would have to be implemented on the mainline connectivity between London and Kents Coast.

CA 1 will be 2 settlements divided by a railway line with extremely limited access neither which satisfy garden settlement principles.

Network Rail South East Route Kent Route Study (May 2018)

* Highlights capacity issues
* Significant increase in passengers using the railway network further growth forecast
* Tonbridge Railway Station is fraught with capacity issues, difficult to introduce additional services
* Little or no capacity for extra services

**School allocated for six form entry secondary school**

Policy AL/ CA 2

This site allocation is wholly unsuitable for a secondary school due to the location, mainline railway running through the centre of the site, ancient woodland, road network already at capacity and often at peak travel times grid locked, poor air quality and car emissions will be a severe health risk to children, flood risk as the area often floods, unsuitable transport links to Tonbridge and Tunbridge Wells town centres.

Detrimental Impact to the amenity and setting of heritage grade 1 listed building of Somerhill.

**Conclusion**

The proposed plans for Tudeley and Capel highlight the challenges, dangers, risks and extraordinary costs that any development would have to overcome to proceed to become a successful sustainable development.

It is understood the pressure TWBC is under to deliver its housing targets but it should not be at any cost, especially when it involves so many people / communities and the effects will be irreversible.

It is very apparent the offer of cheap Green Belt Land by a complying opportunistic landowner has blinded the Council with its initial Suitability Analysis for these sites, ignoring the fact these sites flood and are widely known as flood vulnerable areas on a floodplain.

We would urge the Council to reconsider and remove these sites from the plan now before committing to further costs and taxpayers money.

Finally to take note to the horrendous flood events that have recently taken place in other parts of the country, this is the chance for the Council to say No to the developers and work with their communities to proactively provide long term flooding solutions that will protect the current community, preserve the wonderful Green Belt Countryside for future generations to enjoy as previous generations have done for all of us.

Otherwise it will be not if, but when, will TWBC be on National News organising huge evacuation programmes for local residents and being held responsible for causing millions of pounds of damage to many 1000’s of homes.